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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

MAY - 3 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

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Revision of the Commission's Rules to  
Ensure Compatibility with Enhanced 911  
Emergency Calling Systems

CC Docket No. 94-102

DA 01-886

To: Chief, Wireless Telecommunications Bureau

### REPLY COMMENTS OF DOBSON COMMUNICATIONS CORPORATION

Dobson Communications Corporation ("Dobson"), on behalf of its subsidiaries and affiliates, hereby submits these reply comments in support of those parties opposing the "Petition for Clarification and/or Declaratory Ruling" submitted by the City of Richardson, Texas ("Richardson") in the instant proceeding.<sup>1</sup> Richardson has requested that the Bureau determine that a Public Safety Answering Point ("PSAP") makes a "valid" request to a wireless carrier for Phase II Enhanced 911 ("E911") service by simply informing the carrier that the necessary equipment upgrades *will be* in place prior to delivery of the service by the carrier.<sup>2</sup> For the reasons discussed below, commenters have demonstrated that Richardson's request is contrary to the language of the rules, the Commission's underlying orders, and sound public policy, as well as procedurally deficient. The Bureau should deny Richardson's petition.

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<sup>1</sup> City of Richardson, Texas, Petition for Clarification and/or Declaratory Ruling, CC Docket No. 94-102, (April 4, 2001) ("Petition"); Public Notice, *Wireless Telecommunications Bureau Seeks Comment on Request for Clarification or Declaratory Ruling Concerning Public Safety Answering Point Requests for Phase II Enhanced 911*, CC Docket No. 94-102, DA 01-886 (April 5, 2001).

<sup>2</sup> See Petition at 1.

**I. THE COMMISSION'S RULES AND PRECEDENT FIRMLY ESTABLISH THAT A PSAP MUST BE CAPABLE OF UTILIZING THE PHASE II SERVICES AT THE TIME THE REQUEST IS MADE TO THE CARRIER**

Numerous commenters demonstrate that the plain meaning of the language of Section 20.18(j) of the Commission's rules -- that a carrier's Phase II E911 obligations attach "*only if*" a requesting PSAP "*is capable of receiving and utilizing the data elements associated with the service*"<sup>3</sup> -- is clear on its face and is contrary to Richardson's interpretation.<sup>4</sup> Dobson also agrees that the Commission has consistently affirmed the clear meaning of the rule in subsequent decisions.<sup>5</sup> Thus, Dobson concurs that Richardson's proposed interpretation of the rule -- that a request from a PSAP which "will be" capable of utilizing Phase II service elements is "valid" and triggers carriers' Phase II obligations -- not only would contribute to delays and misallocation of carriers' resources as discussed below, but also departs from the clear language of the rule and the Commission's underlying, well-articulated policy concerns.<sup>6</sup>

<sup>3</sup> 47 C.F.R. § 20.18(j) (emphasis added).

<sup>4</sup> See Comments of Cingular Wireless at 2-3; Comments of Cellular Telecommunications & Internet Association ("CTIA") at 3-4; Comments of Sprint PCS at 3-4; Comments of U.S. Cellular Corporation ("USCC") at 2-4; Comments of Qwest Wireless, LLC ("Qwesr") at 2-4; Comments of Verizon Wireless at 4-6; Comments of VoiceStream Wireless Corp. ("VoiceStream") at 5-6; and Comments of Western Wireless at 2-4.

<sup>5</sup> In the *Second Memorandum Opinion and Order*, the Commission stated that "Carriers should not be forced to make investments in their networks to provide E911 service that cannot be used by the PSAP . . . the PSAP and the carrier benefit from a requirement that is not triggered until the *actual time* that the PSAP can take advantage of the E911 service." *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Second Memorandum Opinion and Order*, 14 FCC Rcd 20850, ¶ 69 (1999); see also Comments of Cingular Wireless at 2-3; Comments of CTIA at 3-4; Comments of Sprint PCS at 3-4; Comments of USCC at 2-4; Comments of Qwest at 2-4; Comments of Verizon Wireless at 5-6; Comments of VoiceStream at 5-6; and Comments of Western Wireless at 3-4.

<sup>6</sup> In addition, since the rule and Commission's policy is clear, Dobson concurs with commenters asserting that Richardson's petition for clarification and/or declaratory ruling is really a petition for reconsideration, the timing for which has expired, or an otherwise procedurally deficient petition for rulemaking. See Comments of Cingular at 4-5; Comments of Qwest at 5-6; Comments of Sprint PCS at 4; Comments of USCC at 4; Comments of Verizon at 9-10; Comments of VoiceStream at 8-10; Comments of Western Wireless at 4.

**II. THE COMMISSION'S RULES MUST PROVIDE CARRIERS CERTAINTY AS TO THEIR REGULATORY OBLIGATIONS TO ENSURE RAPID DEPLOYMENT OF PHASE II E911 TECHNOLOGIES AND SERVICES**

Dobson is a leading provider of commercial mobile wireless services in rural and suburban areas in nineteen states throughout the country. In fulfilling its E911 Phase I obligations, Dobson has gained valuable experience in coordinating its delivery of services with PSAPs and other local and state government bodies. Dobson, as a mid-sized carrier with finite resources, must nevertheless be able to prioritize its E911 deployment efforts. Dobson appreciates from the Phase I context the difficulties facing PSAPs in attempting to accurately predict when their necessary upgrades will be complete and their systems capable of utilizing E911 information. While Dobson will continue to negotiate and coordinate E911 deployment efforts with PSAPs even in the absence of a valid request (as do other carriers), the Bureau's grant of the Petition will unnecessarily inject uncertainty into carriers' E911 deployment efforts, undermining carriers' ability to prioritize use of financial and personnel resources for PSAPs (and customers) able to use E911 services.<sup>7</sup> Carriers may be forced to attempt to respond to many service requests at once and allocate resources accordingly, regardless of a PSAP's genuine ability to meet its professed upgrade completion date, and without knowing for certain whether its regulatory obligations vis-à-vis that PSAP have been triggered.

Under the current rule, the events triggering a carrier's regulatory obligations are reasonably clear and straightforward, and permit carriers to focus their time and resources

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<sup>7</sup> See Comments of Verizon at 7-8 (posing hypothetical scenario revealing potential problems with uncertainty); Comments of Verizon Wireless at 7 (stating current rules provide carriers necessary degree of certainty of trigger to regulatory obligations); Comments of Sprint PCS at 6-7 (asserting system will need priorities to be set, and resources should not be diverted away from the PSAPs that have made the necessary investments to utilize service).

on those PSAPs that are genuinely capable of providing E911 services to the public.

Contrary to Richardson's assertion, the current process is not wasteful and indeed, Richardson's proposed rule change would result in needless waste and ultimately hinder the efficient deployment of E911 Phase II services.

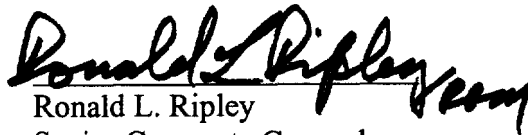
## **CONCLUSION**

For the foregoing reasons, Dobson supports those commenters filing in opposition to Richardson's petition.

Respectfully submitted,

**DOBSON COMMUNICATIONS CORPORATION**

By:

A handwritten signature in black ink, appearing to read "Donald L. Ripley", written over a horizontal line.

Ronald L. Ripley  
Senior Corporate Counsel  
14201 Wireless Way  
Oklahoma City, OK 73114

May 3, 2001